

Notice of Allowability

Application No.

09/705,110

Examiner

Igor Borissov

Applicant(s)

PETERSON ET AL.

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Non-Final Rejection 3/14/2006.
2. ☐ The allowed claim(s) is/are 1-5, 7-23, 25-84 and 86-117.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

Amendment received on 3/14/2006 is acknowledged and entered. Claims 6, 24, 35, 85 and 118 have been canceled. Claims 1-5, 7-23, 25-34, 36-84 and 86-117 are currently pending in the application.

Claim Rejections under 35 USC § 112 and 35 USC § 103 have been withdrawn due to the applicant's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an applicant's representative Daniel M. Fitzgerald (Reg. No.:38,880) on Tuesday, May 30, 2006.

The application has been amended as follows:

IN THE CLAIMS

Claim 1, last line, amend as follows:

response inputted by the user[.];
providing results to the user.

Claim 47, last line, amend as follows:

response inputted by the user[[.]];
providing results to the user.

Claim 48, last line, amend as follows:

performed using the server system[[.]];
providing results to the user.

Claim 49, last line, amend as follows:

On guidelines pre-stored within the database[[.]];
providing results to the user.

Claim 50, last line, amend as follows:

response inputted by the user[[.]].

Claim 115, last line, amend as follows:

response inputted by the user[[.]].

Claim 116, last line, amend as follows:

and the response inputted by the user[[.]].

Claim 117, last line, amend as follows:

determined criteria[[.]].

Allowable Subject Matter

Claims 1-5, 7-23, 25-34, 36-84 and 86-117 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 1-5, 7-23, 25-34, 36-84 and 86-117, the best prior art, Conte et al. (US 5,845,065) in view of Jacobson (US 6,735,701) and further in view of Hedstrom et al. (US 6,477,471) teaches a method and system for managing software assets, said method including: identifying at least one required software; conducting acquisition process and deploying said identified software; storing information relating to software owned or licensed by a business entity, including maintaining and reviewing software license assignments; tracking software licenses, purchasing and upgrading software; unassigning (retiring) software; and further including presenting via a Training Module a network user with a template (worksheet) including displaying to said user policy recommendation questions; processing responses received from said user by the policy effectiveness system to determine policy training needs and policy compliance history (compliance with the software management process); wherein sigma values computation technique is used for assessing compliance with software-related issues.

However, Conte et al. in view of Jacobson and further in view of Hedstrom et al. does not teach displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; and using the user's responses for said questions for determining compliance with the software management process by calculating sigma value.

The best foreign art, Wolf (EP 667572 A1), teaches a method and system for software asset management, including management logic for any desired software asset management function for execution prior to permitting invocation and execution of the application program.

However, Wolf fails to disclose displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; and using the user's responses for said questions for determining compliance with the software management process by calculating sigma value.

The best NPL prior art, a North Plains Systems Web site, which appears to be established since April 1927 (See Waybackmachine Internet print out) discloses an application platform for facilitating companies to manage, distribute and monetize their digital content.

However, North Plains Systems fails to disclose displaying in the assessment worksheet at least two questions including whether complete software license documentation has been maintained at the user's location, and whether a reconciliation of installed software and licenses has been conducted by the user; and using the user's responses for said questions for determining compliance with the software management process by calculating sigma value.

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claims.

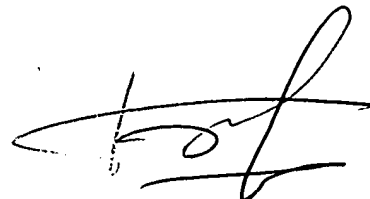
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB
5/31/2006

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a stylized flourish at the end.

IGOR N. BORISSOV
PRIMARY EXAMINER